

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:16-cr-26
	:	
Plaintiff,	:	RESPONSE TO MOTION TO
	:	CONTINUE
vs.	:	
	:	
ROBERT S. JONES,	:	
	:	
Defendant.	:	

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The United States does not oppose defendant's request. The reason is that the United States does not believe there should be a hearing at all. The defendant has not established an entitlement to a *Franks* hearing. Once again (this is now the defendant's second attempt to obtain a *Franks* hearing – his first effort was rejected), the defendant simply has not identified any material knowing, intentional, or reckless false statement in the warrant affidavit. That the defendant's examiner could not locate any child pornography or other evidence of the defendant's access of the Playpen website does not make any of the statements in the warrant affidavit (that the NIT identified an IP address and other data that led to the defendant) false, much less intentionally, knowingly, or recklessly false. (And besides, there is in fact child pornography on the defendant's computer, namely, nearly 400 images of child pornography and over 200 images of child erotica.) The United States was in the process of preparing its response to the

defendant's motion for a *Franks* hearing (and to his motion for discovery), explaining why no hearing should be permitted, when the defendant filed his motion to continue. The United States, again, does not oppose the defendant's request to continue the hearing; it would just request that a short briefing schedule be set as to both of the defendant's pending motions, so that the United States may finalize its responsive briefs, and so that the defendant has an opportunity to respond if he so wishes.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this pleading was filed with this Court on this 26th day of June 2017, a process which automatically provides an electronic copy to all counsel of record.

s/Vipal J. Patel

VIPAL J. PATEL (156212 CA)

First Assistant United States Attorney